

MOUNT ROYAL CEMETERY COMPANY.

ACTS OF INCORPORATION

AND

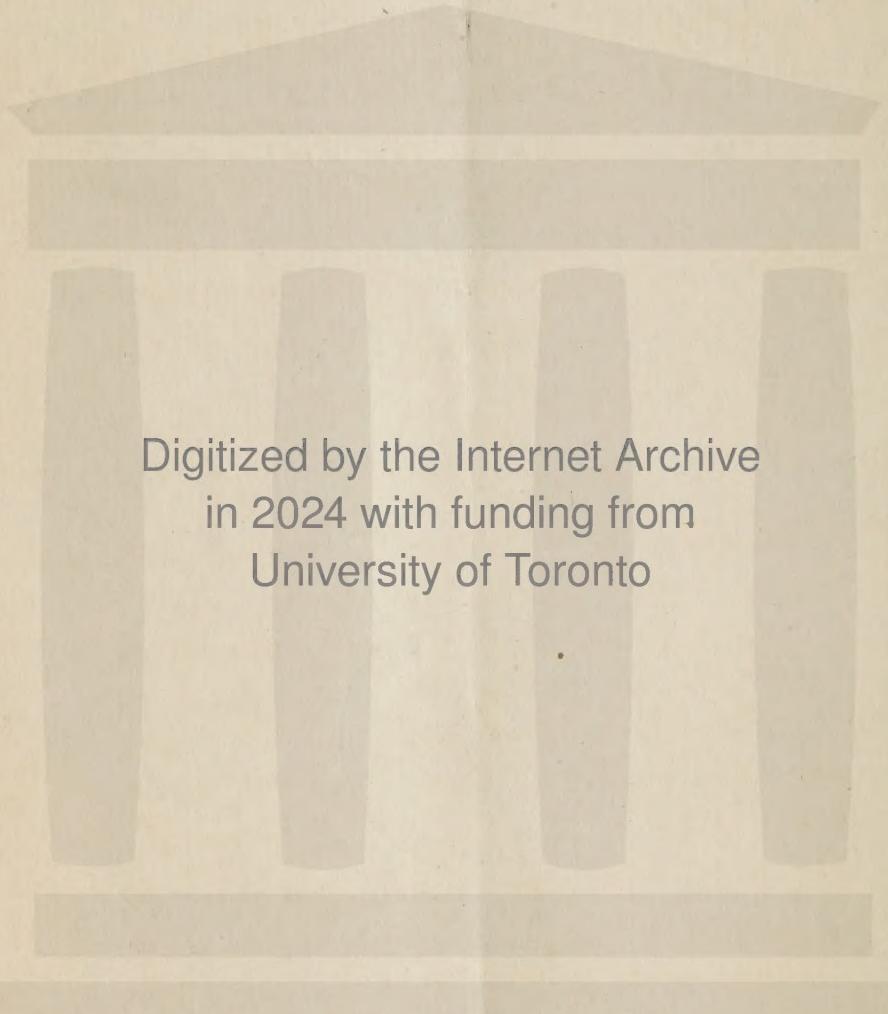
BY-LAWS.



MONTREAL :

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1879.



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RB145; 633



ANNO DECIMO-NONO ET VICESIMO
VICTORIAE REGINÆ.

CAP. CXXVIII.

AN ACT to amend and consolidate the several Acts, incorporating the Mount Royal Cemetery Company.

[Assented to 1st July, 1856.]

WHEREAS it is expedient to amend and Preamble. consolidate the several Acts now in force in this Province incorporating the Mount Royal Cemetery Company: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I. From and after the passing of this Act Certain Acts repealed, viz.: the Act passed in the session held in the tenth and eleventh years of Her Majesty's Reign, and intituled, *An Act to incorporate the Montreal Cemetery Company*, and the two Acts passed in the Session held in the sixteenth year of Her Majesty's Reign, and intituled, respectively, *An Act to amend the Act to incorporate the Montreal* 10 & 11 V. c. 67. 16 V. c. 56.

16 V. c. 118.

Cemetery Company, and for other purposes therein mentioned, and An Act to amend the Act incorporating the Mount Royal Cemetery Company, shall be and the same are hereby repealed.

The present Corporation continued.

II. The present Stockholders, being severally the proprietors of a Lot or Lots in the said Cemetery for which they shall have paid to the said Company the sum of Five pounds Currency or more, and such others as may hereafter become Shareholders, having paid to the said Company for a Lot or Lots in the said Cemetery the sum of Five pounds Currency or more, and their successors for ever, shall continue to be and are hereby constituted a body politic and corporate in fact and in name by the name of Corporate name "The Mount Royal Cemetery Company;" and by that name they and their successors shall have perpetual succession, and a common seal, with power to alter and make new the same at pleasure, and may by that name contract and be contracted with, sue and be sued, plead and be impleaded in all Courts and places whatsoever, and shall have full power and authority to take, purchase, and acquire by any title whatsoever, and to hold, possess, and enjoy without letters of mortmain (saving always the *droit d'indemnité* of the Seignior) any lands or immovable property within the Island of Montreal, but without the present limits of the city, not exceeding two hundred arpents in extent, and may also take and hold moveable property for the purposes hereinafter mentioned: Provided always, that such immovable property shall be held and

Proviso; real property to be held for certain purposes only.

used solely for the purpose of a Public Cemetery and Garden and the necessary and convenient roads and access to the same.

III. The Capital Stock of the said Company shall be divided into shares of Five pounds Currency each ; and each shareholder, except those who have already entered their names in the Books of Subscription heretofore opened by the Company, shall, before he shall be considered a shareholder, enter his name in the Book or Books of the Company to be kept for that purpose, and shall after his name enter in the said Book or Books that one of the several religious denominations hereinafter mentioned to which he chooses to be deemed to belong, that is to say, Members of the Church of England, Presbyterians, Methodists, Congregationalists, Baptists, or Unitarians.

Capital of the Company to be in shares of £5 each.

Subscription Books.

Subscribers to state the denomination to which they belong.

IV. There shall be an Annual General Meeting of the Company and an Election of Trustees on some two days in each year appointed or to be appointed from time to time by the By-Laws of the Company ; and the Trustees shall always remain in office, as shall the Trustees now in office, until the end of the day appointed for the election of their successors and until the appointment of their successors as hereinafter mentioned, but shall always be re-eligible if qualified as shareholders.

Annual meetings and election of Trustees.

Term of office.

V. Twenty-one Trustees shall be annually elected to manage the affairs of the said Company

Election of 21 Trustees annually.

in the following manner ; A Public Meeting of all the Shareholders shall be called once a year by advertisement in one of the Newspapers published in the City of Montreal, announcing the time and place when and where such Public Meeting will be held, or in such other manner as may be provided for by the By-Laws of the Company ; and at the said meeting the Chairman and Secretary who shall then be appointed for that purpose shall ascertain the number of shares held by persons of each of the religious denominations aforesaid : and the shareholders of each such denomination shall be entitled to elect a number of Trustees bearing such proportion to Twenty-one as the shares held by persons of such denomination shall bear to the whole amount of the Capital Stock ; and the Chairman and Secretary shall declare such proportion ; Provided that each one of the said denominations shall be entitled to elect at least one Trustee, and that if by such proportion there be a fractional number equal to more than half the number which would entitle any denomination to elect another Trustee, such denomination shall be entitled to elect such other Trustee, but if the fractional number be less than this, it shall not be reckoned ; and if any question shall arise as to the number of Trustees to be elected by any of the said religious denominations, the same shall be decided by the Chairman and Secretary, or if they differ, then by the majority of the persons present at the meeting, voting according to the scale hereinafter provided.

Number to be
elected by each
denomination,
how determined.

Proviso : each
to have at least
one Trustee.

Provision in case
of difference as
to the number
to which each
is entitled.

VI. At the said Meeting a day and hour shall be appointed (not less than three days nor more than one week from the day of such Meeting) when the members of each religious denomination shall meet at some place in the said City, to be also named, for the purpose of electing by a majority of votes the number of Trustees to which such denomination may be entitled, being members of the said Company, and whose names shall be returned to the Chairman or Secretary appointed at the first meeting, who shall enter them in the Books of the Company ; and at every future annual Election of Trustees followed, the several religious denominations being entitled to elect a number of Trustees proportionate to the amount of shares they shall respectively hold at the time of the Election : Provided nevertheless, that if on the day appointed for the election of the successors of the Trustees then in office, the members of the several religious denominations, or of either of them, shall neglect to elect a Trustee or Trustees, or to return the names of such Trustee or Trustees to the Chairman or Secretary, then and in that case the Trustee or Trustees representing the religious denominations so neglecting to elect shall remain in office until his or their successors be appointed.

VII. The day, hour and place of all Annual General Meetings, and of the meetings of the members of the several religious denominations for the election of the number of Trustees to

Election by each
denomination
of the number
to which it is
entitled.

Same rule to be
observed at
future elec-
tions.

Proviso in case
of failure of any
denomination
to elect.

Day, hour and
place of annual
meetings to be
fixed by By-
Laws.

which they may be entitled, and the persons or officers who shall preside at such meetings, and the mode of proceeding thereat, shall be as fixed by the By-Laws of the Company made or to be made in that behalf, and not being contrary to the provisions, and being in accordance with the intent and spirit of this Act ; and it shall not be necessary that the General Meeting or Elections be on the same day in every year, provided they be not more than fourteen nor less than ten Calendar months from each other ; and by such By-Laws provision may be made for another meeting or election in case of failure to meet or elect on the days first appointed.

Need not be on
the same day in
every year.
Trustees to
manage busi-
ness of Corpo-
ration.

Quorum.

Election of
President, &c.

Casting vote.

VIII. The whole management of the affairs and property of the Company shall be vested in the Trustees for the time then being, elected as aforesaid, and any seven of the said Trustees shall be a quorum for the transaction of business, and any majority of such quorum may exercise all the powers hereby or by the By-Laws of the Company vested or to be vested in the Trustees ; and the Trustees shall, as soon as may be convenient after the election in each year, elect one of their number to be the President of the Company, and another to be Vice-President thereof, and shall also elect a Treasurer and Secretary, and the President, if present, (or if he be not present, then the Vice-President, or if he be not present, then some Trustee to be chosen for the occasion,) shall preside at all meetings of the Trustees, and shall in case of equality of votes have a double or casting vote, unless it be

otherwise provided by the By-Laws of the Company ; and the said Trustees may empower the President or any other Trustee to sign and seal with the common seal of the Company, and any officer of the Company to countersign any *Acte*, Instrument, or Document in the name and on behalf of the Company, and any *Acte*, Instrument, or Document so signed and sealed shall be deemed to be the *Acte* of the Company ; and the said Trustees shall have power to treat for and acquire immoveable and moveable property for the Company, and to lay out and manage the same, subject always to such By-Laws as may be made touching such management, and shall have such other powers, not inconsistent with this Act, as, being hereby vested in the said Company, shall by the By-Laws thereof be assigned to and vested in the Trustees,

Execution of
Deeds, &c., of
the Corpora-
tion.

Further
powers of
Trustees.

IX. The said Trustees shall have full power from time to time to frame By-Laws for the government of the Company and of the members and officers thereof, and to submit the same to a general Meeting of the Company to be called by the Trustees after such notice by advertisement or otherwise as is now or shall be hereafter by the By-Laws of the Company provided for ; the power and authority of the said Trustees to make By-Laws to extend to the making of By-Laws for the management of the affairs of the Company generally,—the regulation of the sale and sub-division of Lots,—the collection and recovery of Debts due to the Company, and the forfeiture of Lots not paid for according to

Trustees to
Frame By-
Laws.

Purposes of
By-Laws.

To be subject
to allowance,
or disallow-
ance, amend-
ments, &c., by
the Company.

the terms of any agreement in that behalf, or of the By-Laws of the Company made or to be made concerning such forfeiture; and such By-Laws being so submitted may be allowed or disallowed, amended or altered at such meeting; and such By-Laws only as shall be finally allowed thereat, as well as the By-Laws of the Company now in force, shall be binding on all members of the Company until repealed or altered in like manner.

Votes of Trus-
tees.

X. At all meetings of the Trustees the votes shall be given *per capita*; but at all meetings of the members of the Company they shall be given by the members present thereat, according to the following proportion; that is to say, each member shall be entitled to one vote for each share he may hold, up to ten, but no member shall have more than ten votes.

Votes of Mem-
bers of Com-
pany.

Company may
keep hearses,
&c.

XI. The Company shall have power to keep hearses and mourning coaches, with the requisite horses and other articles for conveying the corpse and mourners and other persons to and from their Cemetery, and to charge such reasonable rates for the use thereof as shall be from time to time fixed by the Trustees.

Graves for the
poor *gratis*.

XII. The said Company shall furnish graves for the poor belonging to the several denominations mentioned in the third section of this Act free of charge on the certificate of a Minister or Clergyman of the denomination to which such poor belong, that the relations of the deceased are poor and cannot afford to purchase

a Lot in the said Cemetery: and the Trustees of the said Company shall have power to make broken or irregular Lots of less or more than one hundred superficial feet, and to charge for the same in proportion to the superficies thereof.

XIII. All the funds of the said Company, except in so far as it may be deemed expedient by the Trustees to make investments thereof as hereinafter mentioned, shall be appropriated and applied solely to the purchasing, laying out, fencing, ornamenting, and keeping up the said Cemetery, and roads and access to the same, and for the other purposes authorized by this Act, and the defraying of the necessary expenses of the Company; and no dividend or profit of any kind shall be paid by the said Company to any member or members thereof; and the price of all Lots sold and of all rates or fees received for the use of any part thereof, or of any property of the Company, shall go into the general fund of the Company and be appropriated and applied as aforesaid. The said Trustees are hereby nevertheless authorized and empowered to make investments from time to time in Provincial Stocks or Public Securities or in such other way as they may deem expedient, of such portions of the funds of the Company as they may deem requisite for the purpose of creating a fund in aid of fees to defray wages and other expenses incurred in the management of the affairs of the Company.

To what purposes only the funds of the Company shall be applied.
No dividend to be paid.
Price of lots to make part of funds.
Trustees may invest moneys for certain purposes.

Trustees may employ Officers and Servants.

XIV. The said Trustees shall have power to employ such surveyors, architects, gardeners, superintendents, clerks, and other officers and servants as they may think necessary, and to pay them such remuneration as may be deemed proper, subject always to any By-Laws made or to be made in that behalf.

The whole ground to be under Chief Gardener, &c.

XV. The whole Cemetery shall be under the management of the same Chief Gardener or Superintendent, and subject to the general regulations now in force, or which are or shall be prescribed by any By-Law made or to be made, for the laying out, planting and ornamenting of the Cemetery :—Provided always, that the members of any religious denomination may, on ground belonging to members of the Company of their own persuasion, and with the consent of such members, erect a Church or Chapel thereon, at the expense of such members of such persuasion, and have the same consecrated or set apart for Divine Service, according to the rites and ceremonies of such persuasion, and may have their own manager for all purposes connected with the burial of their Dead and with the keeping of their Registers, and for all other purposes, saving and excepting the laying out, planting or ornamenting of the Cemetery ; but nothing herein contained shall be held to exempt the members of any such denomination from contributing to all the expenses of the Company for the purposes mentioned in the thirteenth section, or from the payment of the rates or fees therein mentioned,

Proviso : as to erection of Chapels, &c., by any denomination.

All to contribute to certain expenses.

XVI. The Lots in the said Cemetery shall be held to be immovable property, and shall be inherited or may be devised or assigned and conveyed accordingly, saving only that it shall not be necessary that such conveyance or assignment be before a Notary or Notaries, but may be made in writing and executed before two witnesses in the form of Schedule A to this Act annexed, which shall be a valid conveyance thereof:—Provided nevertheless that no such conveyance shall be valid and effectual until the same shall be entered or enregistered in a book or books to be kept by the Company for that purpose, nor until the person or persons making the same shall previously discharge all debts actually due by him or them to the same Company upon the Lot or Lots so conveyed or assigned; and no hypothec or incumbrance shall in any wise subsist upon any such Lot, nor shall any other registration of the conveyance or assignment be requisite to its validity.

XVII. The Trustees shall have full power to collect all payments or instalments due on the Lots heretofore subscribed for, with interest thereon from the dates at which the said payments became due, or in their discretion to forfeit and declare forfeited the Instalments paid and all right to the Lots so subscribed for.

XVIII. In the event of the consecration of the said Cemetery or any part thereof, by any religious denomination holding property therein, such act of consecration shall not be held to

invest the said religious body with any exclusive powers of jurisdiction either spiritual or temporal within the said Cemetery, saving the powers invested in such religious bodies under the provisions contained in the fifteenth section of this Act.

Amount of stock entitling a denomination to a Trustee.

XIX. No religious denomination shall be entitled to elect one Trustee, unless the members of such Religious denomination are subscribers of twenty shares of the Capital Stock of the said Company.

Lots not liable to taxation, seizure, &c.

XX. The real estate of the said Company, and the lots or plots, when conveyed by the Company to individual proprietors, shall be exempt from taxation or assessment of any kind, and not liable to be seized or sold on execution, or attached, or applied to the payment of debts by assignment under any Bankrupt or Insolvent Law.

Penalty for injuring the Cemetery, or Property in it.

XXI. Any person who shall wilfully destroy, mutilate, deface, injure or remove any tomb, monument, grave-stone or other structure placed in the Cemetery aforesaid, or any fence, railing or other work for the protection of the said Cemetery, or of any tomb, monument, grave-stone or other structure aforesaid, or of any lot within the Cemetery aforesaid, or shall wilfully destroy, cut, break or injure any tree, shrub or plant within the limits of the said Cemetery, or play at any game or sport, or discharge fire arms (save at military funeral) in the Cemetery

aforesaid, or who shall wilfully or unlawfully disturb any persons assembled for the purpose of burying any body therein, or who shall commit any nuisance in such Cemetery, shall be deemed guilty of misdemeanour, and shall upon ^{How enforced.} conviction thereof, before any Justice of the Peace, or any other Court of competent jurisdiction, be punished by a fine of not less than one pound nor more than ten pounds, according to the nature of the offence, and in default of payment of the said fine, shall be liable to imprisonment in the common gaol of the District of Montreal, for a period of not less than fifteen days nor more than thirty days; and such ^{Company may also recover damages.} offender shall also be liable to an action of trespass to be brought against him in any court of competent jurisdiction, in the name of the said Company, to pay all damages which shall be occasioned by his unlawful act or acts; which money, when recovered, shall be applied under the direction of the Trustees, to the reparation and reconstruction of the property destroyed or injured; and members and officers of the Com- ^{Members, &c. may be witnesses.} pany may be competent witnesses in such suits.

XXII. The said Corporation shall make regu- ^{By Laws for regulating burials.} lations for ensuring that all burials within the said Cemetery are conducted in a decent and solemn manner.

XXIII. No body shall be buried in any Vault ^{No burials under Chapels, &c.} under any Chapel or other building in the said Cemetery.

Cemetery to be
properly drain-
ed by the
Company.

Powers for that
purpose.

XXIV. The said Corporation shall make all proper and necessary sewers and drains in and about the said Cemetery, for draining it and keeping it dry; and they may from time to time, as occasion requires, cause any such sewer or drain to open into any existing sewer, with the consent in writing of the persons having the management of the street or road, and of the owners and occupiers of the lands through which such opening is made, doing as little damage as possible to the road or ground wherein such sewer or drain may be made, and restoring it to the same or as good condition as it was in before being disturbed.

Company may
take land for
road from *Côte
des Neiges*.

Powers for
that purpose.

XXV. The said Company shall have full power and authority to designate and establish, take, appropriate, have and hold the requisite land adjoining the site of the Cemetery, adapted and required for the purposes of the said Company, and for the more easy ingress and egress to and from the said Cemetery from the city of Montreal and from the *Côte des Neiges* road, according to the provisions hereinafter contained for acquiring the same; and to dig, take, and carry away stone, gravel, sand, earth, and other like materials, from any adjoining or neighbouring lands, and also to cut, make and keep in repair, upon such adjoining or neighbouring lands such ditches, drains and water courses as may be necessary for the effectual draining and carrying off the water from the said Cemetery, and the roads leading thereto; and for the purposes aforesaid, the said Company, and their agents, servants

and workmen, are hereby authorized and empowered to enter into and upon the lands and grounds of any person or persons, body or bodies, corporate or politic.

XXVI. If the owner or owners, occupier or occupiers of any lands, which the said Company may be desirous of acquiring for the purpose aforesaid, or from what materials are to be taken, shall, upon demand made by the Trustees of the said Company, neglect or refuse to agree upon the price or amount of damages to be paid for such land, and the appropriation thereof to the use of the said Company, or for the exercise of any such powers as aforesaid, it shall and may be lawful for the said Company to name one arbitrator, and for the owner or occupier of such land so required, or with regard to which such power is intended to be exercised as aforesaid, to name another arbitrator, and for the said two arbitrators to name a third, to arbitrate upon, adjudge and determine the amount which the said Company shall pay before taking possession of such land, or exercising such power as aforesaid; and upon such sum being ascertained, due attention being had by the arbitrators in ascertaining the same to the benefits to accrue to the party requiring compensation, it shall be lawful for the said Company to tender such sum to the said party claiming compensation, who shall thereupon execute a conveyance to the said Company, or such other document as may be requisite, and the said Company shall after such tender, whether such conveyance or document

Arbitration
for settling
amount to be
paid in case
Company and
proprietor do
not agree.

Company to
pay or tender
amount
awarded, and
may then
exercise the
right in ques-
tion.

be executed or not, be fully authorized to enter upon and take possession of such land to and for the uses of the said Company, and to hold the same, or to exercise such powers as aforesaid, in such and the like manner as if such conveyance thereof or other document had been executed as aforesaid :—Provided always, That if such owner or occupier shall neglect to name an arbitrator for the space of twenty days after having been notified so to do by the said Company, or if the said two arbitrators do not agree upon such third arbitrator within twenty days after the appointment of the second arbitrator, then upon the application of the said Company, or of the other party, a Circuit Judge shall nominate the second or third arbitrator, in lieu of the one so to be appointed and named, but not appointed or agreed upon by the party or the two first named arbitrators as aforesaid ; and any award made by the majority of the said arbitrators shall be as binding as if the three arbitrators had concurred in and made the same.

Proviso : in default of appointment of Arbitrator or third Arbitrator.

Award of majority binding.

XXVII. Whenever any lands or grounds required by the said Company for the purposes aforesaid are held or owned by any person or persons, bodies politic, corporate, or collegiate whose residence may not be within this Province, or unknown to the said Company, or where the titles to any such lands or grounds are unable to treat with the said Company for the sale thereof, or to appoint arbitrators as aforesaid, it shall and may be lawful for the said Company to nominate one indifferent person, and for a

Appointment of Arbitrator on the part of absenteees, or unknown proprietors.

Circuit Judge, having jurisdiction in the District of Montreal, on the application of the said Company, to nominate and appoint one other indifferent person, who together with one other person, to be chosen by the persons so named before proceeding to business, or in the event of their disagreeing as to the choice of such other person, to be appointed by any such Judge as aforesaid, before the others proceed to business, shall be arbitrators, to award, determine, adjudge, and order the respective sums of money, which the said Company shall pay to the respective parties entitled to receive the same, for the said lands or damages as aforesaid, and the decision of the majority of such arbitrators shall be binding; which said amount so awarded, the said Company shall pay or cause to be paid to the several parties entitled to the same when demanded: and in any case under this Act, where there shall be no deed conveying the property in question to the Company, a record of the award or arbitration shall be made up and signed by the said arbitrators, or a majority of them, specifying the amount awarded and the cost of such arbitration which may be settled by the said arbitrators or a majority of them, which record shall be registered in the Registry Office for the County of Montreal; and that the expenses of any arbitration under this Act, shall be paid by the said Company, and by them deducted from the amount of such award, if the Company shall, before the appointment of their arbitrator, have tendered an equal or greater sum than that awarded by the arbitrators, and other-
Payment of amount awarded.
Award in certain cases to stand in place of a deed.
Costs of arbitration how paid.

wise by the opposite parties, and the arbitrators shall specify in their award by which of the parties the said costs are to be paid.

Interpretation clause.

XXVIII. In construing this Act, words importing the masculine gender or the singular number only, shall be deemed to include more than one person or thing, and females as well as males, unless there be something in the context repugnant to or inconsistent with such construction ; and if there be any omitted case or matter touching which it is necessary that provision be made in order to give full effect to this Act, and to the true intent and object thereof, such provision may be made by any By-Law of the Company not inconsistent with or repugnant to this Act :—Provided always, that no By-Law of the Company shall be repugnant to the Laws of Lower Canada, except in so far as the same are modified by this Act.

Proviso.

Public Act.

XXIX. This Act shall be a Public Act.

SCHEDULE A.

FORM OF CONVEYANCE AND ASSIGNMENT.

For value received from , of
I, , of ,
do hereby convey and assign unto the said
, present accepting ,
that certain Lot of Land in the Cemetery of the
Mount Royal Cemetery Company, Parish of
Montreal, designated on the plan of the ground
and in the Books of the Company as Lot No.
, Section , containing
superficial feet, together with all
the rights and privileges thereunto belonging,
subject however to the By-Laws and regulations
from time to time made by the Company.

Witness our hands hereunto subscribed, at
this day of one thousand
eight hundred and

Witnesses,

}

AN ACT to vest in the Mount Royal Cemetery Company, the Old Protestant Burial Grounds, in the City of Montreal.

[Assented to 24th December, 1872.]

WHEREAS, the Trustees of the Old Protestant Burial Grounds, in the City of Montreal, and the Mount Royal Cemetery Company, a Body Politic and Corporate, incorporated by the Act of the Province of Canada passed in the Session held in the Nineteenth and Twentieth years of Her Majesty's Reign, intituled : "An Act to amend and consolidate the several Acts "incorporating the Mount Royal Cemetery Company," have, by their joint Petition represented, that in the year 1797 the Protestant Inhabitants of Montreal of various Religious Denominations, met and resolved to acquire some suitable Ground, within or near the City of Montreal, for the burial of their dead, and appointed a Committee, composed of James McGill and others, to purchase for that purpose, a piece of Land at a place near the then City limits, called "à Près-de-Ville" of 161 $\frac{3}{4}$ feet in front by 262 feet in depth; and which the Committee accordingly purchased as appears by a deed or acknowledgement of sale executed by one Louis Porlier Lamare to them, before Chaboillez and his colleague, Notaries, at Montreal, the 26th of July 1797, and that afterwards, namely, in June 1799, Edward W. Gray and others were appointed Trustees to hold the Land so acquired, for Burial purposes, to manage and administer it during their lives: and as vacancies in the Trust, by death or otherwise, should occur, the surviving

Trustees were to appoint their successors: three Trustees at all times, to suffice for a quorum: and that the Trustees so appointed, afterwards purchased, from one St. Jean, for a passage to the said Burial Ground, a piece of Land extending therefrom, on the North West side 30 feet wide to the street (now Dorchester street.); That Rules and Regulations were made for the management of the Ground, and laying out and disposal of lots in it for Burial purposes; and in July 1801 a Chapel was erected in it for Burial services; and that the vacancies in the Trust, which occurred from time to time, were filled up as provided: and in the year 1815 the then Trustees purchased a piece of Ground in the Quebec Suburbs for like Burial purposes, having a front on the Papineau Road of about 425 feet, and about 158 feet in depth, as appears by the deed of sale from Frederick A. Quesnel to them, executed before Henry Griffin and his colleague, Notaries, at Montreal, the 27th of September 1815: and in 1824, to enlarge their first purchase in 1797, another lot of Ground in the Saint Lawrence Suburbs, of 270 feet in front by 150 feet in depth, fronting on Dorchester Street, and adjoining their first purchase in the rear, as appears by the deed of sale from Samuel Gerrard to them, executed before the said Henry Griffin and his colleague, Notaries, at Montreal, the 25th of March 1824; and in 1842, to enlarge their purchase on the Papineau Road, another lot of Land in the Quebec Suburbs of about half an acre in front on Victoria Road (formerly Papineau Road) by half an acre more or less in depth, and bounded on the South East by the Ground purchased by the Trustees in 1815, as already mentioned, and which appears by the deed of sale from Francis Forbes to them, executed before Thomas J. Pelton and his colleague,

Notaries, at Montreal, the 28th of September 1842. All which lots and pieces of Ground, were so purchased and used by the said Trustees and their constituents, the said Protestant Inhabitants, solely for Burial purposes, until the year 1854, when by an Ordinance or By-law of the Corporation of the City of Montreal, all intramural interments were, for the future prohibited: and that in anticipation of such prohibition, the Protestant Inhabitants of Montreal and the then surviving Trustees of the said Old Protestant Burial Grounds acquired other Ground without the limits of the City for the interment of their dead in future; and their action in that respect, was followed by their obtaining from the Legislature, an Act incorporating them, first as the "Montreal Cemetery Company" and afterwards as "The Mount Royal Cemetery Company"; and that the then surviving Trustees were chosen with others, Trustees of the Mount Royal Cemetery Company, and the interests of the Protestant Inhabitants in the Old Grounds became identical with, and merged in the Trust of the New Ground: and the Old Grounds have been in a measure, since managed by the Trustees of Mount Royal Cemetery Company; that since the closing of the Old Grounds a large proportion of the Protestant Inhabitants, who had interred in the Old Grounds in Dorchester Street, have had the remains of their dead removed to the New Cemetery, and have ceded their Interests in the Old Grounds to the Mount Royal Cemetery Company; that the Civic Authorities have lately expropriated the Old Burial Ground on Dorchester Street for a Public Square, and have deposited with the Prothonotary of the Superior Court at Montreal, the moneys awarded by the Commissioners as the price thereof, as well as for the estimated cost of removing

the remaining bodies, which have to be removed and decently re-interred in the New Ground by the Mount Royal Cemetery Company ; and that of the Trustees of the said Old Protestant Burial Grounds chosen and elected from time to time by the surviving Trustees, there now exist only three, namely William Murray, John J. Day and Mathew Hamilton Gault, Esquires, who are now Petitioners with, and also Trustees of the said Mount Royal Cemetery Company ; and that in the absence of a full Trust of five persons, and for want of a Corporate character, in the Trust of the said Old Grounds, doubts are entertained as to the capacity of those three surviving Trustees to hold and retain possession, and protect the interests of all persons concerned in the Old Ground on the Victoria or Papineau Road, unexpropriated, as well as to claim before the said Superior Court, the moneys so deposited as representing the price of the said Old Ground on Dorchester Street, and that it is therefore deemed essential to the preservation of the rights and interests of all parties concerned, that the said Mount Royal Cemetery Company, being a Body Politic and Corporate should be substituted as Trustees of the said Old Protestant Grounds, and that the property yet unexpropriated should vest in the said Mount Royal Cemetery Company, to be managed by that Company, in Trust, in accordance with the original intentions of the Trust ; and that the moneys so deposited, should be taken by the said Mount Royal Cemetery Company, to be disposed of in accordance with the rights of all parties concerned under the original Trust and the purposes for which they have been so deposited before the said Superior Court : and the pieces of Grounds expropriated on Dorchester Street, are known and described on the

Official Plan and Book of Reference of the West Registration Division of the City of Montreal, Saint Lawrence Ward, by the number 565; and those still held by the said Trustees, situate on the Papineau or Victoria Road in the Quebec Suburbs are known and described on the Official Plan and Book of Reference of the East Registration Division of the City of Montreal, Saint Mary's Ward, by the number 634;

And whereas, it is expedient to grant the Prayer of their said Petition :

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec enacts as follows :

1. The said Mount Royal Cemetery Company shall be and the said Mount Royal Cemetery Company is hereby substituted and declared to be henceforth Trustee of the said Old Protestant Burial Grounds, and of all moneys representing the same on expropriation thereof, or of any pieces or parts thereof, in the place and stead of the Trustees appointed and surviving under the said Old Trust: that is to say, of the said Old Ground on Dorchester Street, designated on the said Official Plan and Book of Reference of the said Saint Lawrence Ward in the West Registration Division of the said City of Montreal by the number 565; and of the moneys so deposited by the said Corporation of the said City of Montreal as well those representing the price thereof as for the removal of the remaining bodies interred there; and also of the said Old Ground on the Papineau or Victoria Road, designated on the said Official Plan and Book of Reference of the said Saint Mary's Ward in the East Registration Division of the said City of Montreal by the number 634; and that

from henceforth, the property yet unexpropriated and all moneys representing the same, or any part thereof, to wit: the said Old Ground on the Papineau or Victoria Road so designated by the number 634 in the said Saint Mary's Ward and acquired and held as aforesaid under the said Deeds of the 27th of September 1815, and the 28th of September 1842, and all moneys representing the said Old Ground on Dorchester Street, so designated by the number 565 in the said Saint Lawrence Ward deposited on expropriation thereof as aforesaid, shall henceforth vest in and be under the exclusive control and management of the said Mount Royal Cemetery Company, to be by that Company henceforth held and managed in Trust, and if need be, sold and disposed of, in accordance with the original intentions of the Trust, for the benefit of whomsoever it may concern; and the said Mount Royal Cemetery Company, shall have the right and be entitled as such Trustee, to claim, take, have and receive all moneys so deposited, or to be deposited, with the prothonotary of the said Superior Court as well those representing the value thereof as those awarded, or to be awarded, for the removal of the bodies remaining in the said Old Ground, to be, by the said Mount Royal Cemetery Company, as such Trustee, used, applied and disposed of, in accordance with the just rights and interests of all who may have any claims thereon or thereto, under the original Trust, and in accordance with the purposes for which the said moneys or any part thereof were so deposited before the Superior Court, and to do and perform all and whatsoever may be requisite and necessary to be done to attain those objects.

2. And Whereas, the said Old Protestant Burial Grounds, have by reason of the said Ordinance or

By-law of the Corporation of the said City of Montreal so prohibiting intramural interments ceased to be of any use, or available in any respect to the said Trustees or their constituents for the purposes for which they were acquired, namely as Burial Grounds, the said Grounds are hereby declared to have thereby become and to be exempt from liability for Assessments or Taxes of every nature or kind from and since the passing of the said By-law prohibiting intramural interments, until the bodies therein interred shall have been all removed therefrom ; and the ground shall have become useful and available for building or other purposes.

BY-LAWS

MOUNT ROYAL CEMETERY COMPANY,

ADOPTED AT ANNUAL MEETING

APRIL, 1879.

I. The Annual General Meeting of the Proprietors shall be held in the Office of the Company, or such other place as the President may appoint in the City of Montreal, at the hour of Three of the Clock in the Afternoon, on the Second Thursday of the month of April in each year.

II. The Meeting of the Members of the several Religious Denominations for the Election of Trustees shall be held in the Office of the Company, or such other place as the President may appoint in the City of Montreal, not less than three (3) days nor more than one week from the day of the Annual General Meeting, and at such day and hour or hours as shall be appointed at the Annual General Meeting.

1. No person not a member of the corporation shall be eligible to the office of Trustee.

Provision in case
of failure in
holding Annual
or Election
Meeting on day
prescribed.

III. In the case of failure to hold the Annual General Meeting on the day to be appointed as provided by these By-Laws, it shall be the duty of the President to appoint, as soon as practicable after such failure, some other day on which the General Meeting shall take place.

Who shall pre-
side and act as
Secretary at An-
nual, Election,
General and
Special Meeting.

IV. The President, together with the Secretary for the time being, shall preside and act as President and Secretary respectively at the Annual General Meeting and at the Meeting for the Election of Trustees, and also, at all Special Meetings of the Proprietors.

Subscription
Book to be closed
Thursday before
Annual Meeting.

V. In order to enable the President and Secretary to determine the number of Trustees to which each Religious Denomination shall be entitled, the list of Proprietors of the Company shall be closed at the hour of Three of the Clock in the Afternoon of the Thursday next before and until after the Annual General Meeting.

Notice of An-
nual General
Meeting to be
published one
week before.

VI. Notice of the Annual General Meeting and of the closing of the Books and of all General or Special Meetings of the Proprietors shall be given during at least one week next before the day appointed for such meeting, by advertisement in two or more of the newspapers published in the City of Montreal.

Requisition of 21
Stockholders
meeting for
Special Meetings

VII. Special Meetings of the Proprietors may be called by the President, and he shall call special Meetings of the Proprietors on the requisition to him in writing of at least twenty-one of the Proprietors.

VIII. Monthly Meetings of the Trustees shall be held in the Office of the Company, or such other place as the President may appoint in the City of Montreal, in the Afternoon, on the first Tuesday of every month.

IX. Special Meetings of the Trustees may be called by the President: and on the requisition in writing of any three of the Trustees, it shall be his duty to call a Special Meeting; but no such Special Meeting called on requisition shall be valid unless at least three days notice in writing shall have been previously sent to the Trustees through the Post-Office.

X. As soon after the Election of Trustees as may be convenient, they shall elect one of their number to be the President, and another of their number to be the Vice-President of the Company, and they shall also elect a Secretary-Treasurer who shall remain in office until his successor is appointed, whose duties and remuneration shall be determined by the Trustees in accordance with the By-Laws.

XI. It shall be the duty of the Secretary-Treasurer to attend all meetings of the Trustees and of the Company, and keep a faithful record of their doings; to lay before the Trustees at their Monthly Meetings an abstract of the state of the Company's funds, and to submit, for inspection of the Members of the Company at the Annual General Meeting, an account or statement in writing of the pecuniary affairs of the Company, showing the Receipts and Expenditures during

Monthly Meeting
of Trustees.

Extraordinary or
Special Meeting
of Trustees.

Election
Treasurer and
Secretary.

Duties of
Secretary-Treas.

the past year, and a balance sheet showing the Liabilities and Assets ; and it shall also be his duty to lay before the Members of the Company at the Annual General Meeting, a report in writing of the proceedings of the year.

1. The Secretary-Treasurer shall give bonds with sureties, such bonds and sureties to be approved by the Trustees, for the faithful and honest discharge of his duties.
2. He shall prepare for the Monthly Meeting of the Trustees a schedule of Bills contracted, including a Pay Roll of all persons in the employ of the Company.
3. He shall, under direction of the Trustees, notify proprietors of neglected lots of their condition, and in case of continued neglect of any lot, so as in the opinion of the Trustees to impair the general appearance of the Cemetery, any such lot may be put in order by the Trustees at the expense of the proprietor thereof.
4. He shall furnish to the Trustees at the first meeting in the Spring of each year a list of all lots which the Company have undertaken to keep in repair, and it shall be his duty to personally inspect each of said lots, to see that the terms of the contract have been kept with the proprietors.

Disposal of the
Company's funds
and mode of
payment of
Accounts.

XII. The funds of the Company until otherwise invested by the Trustees, shall be kept and regularly deposited by the Secretary-Treasurer

in some one of the Incorporated Banks in the City of Montreal, in the name of the Company, to be from time to time appointed by the Trustees, and shall be withdrawn therefrom only by check signed by the President, and countersigned by the Secretary-Treasurer; and no monies shall be withdrawn for the payment of any accounts against the Company until such accounts have been first approved by the Trustees at a Monthly Meeting.

1. No expenditure shall be incurred, excepting in pursuance of orders of the Trustees.

2. No appropriation exceeding \$1,000 for a single purpose shall be made, unless notice thereof shall have been given at a previous meeting of the Trustees, and on the notice calling the meeting mention must be made of the proposed appropriation.

3. The Trustees shall have the power to invest the surplus funds of the Company in such public securities as they may approve.

4. The Trustees shall have the general management, superintendence and care of the proper expenditures of the Company.

XIII. The Trustees shall appoint all Standing or Special Committees, and at their first Meeting after their Election, or as soon after as may be, shall choose and appoint from amongst themselves:

1. A Committee of Grounds, to be composed of seven Trustees (of whom three shall form a

Proceedings at
First Meeting of
Trustees.

Grounds Com-
mittee and
Duties.

quorum), whose duty it shall be to superintend and direct the Enclosing, Planning, Laying out, Planting and Ornamenting of the grounds, roads, lots and walks, and the erection of all buildings, and generally manage all that relates to the laying out, ornamenting and keeping in order of the Cemetery and its grounds, fences and buildings, according to the plans previously approved by the Trustees, and further to direct and control the Superintendent in the performance of his duty.

Finance Committee and Duties.

2. A Committee of Finance, composed also of seven Trustees (of whom three shall form a quorum), whose duty it shall be to examine and approve for payment and report to the Trustees upon all Accounts, Estimates, Plans, Schemes, Ways and Means of a pecuniary nature, and generally superintend the financial concerns of the Company. They shall also audit the Treasurer's Books, Vouchers, Certificates of Stock, and other evidences of property belonging to the Company, append the result thereof to the Treasurer's Annual Report, and for this purpose shall have power to employ a professional auditor.

3. The Trustees shall have the right to appoint annually or otherwise all agents, officers, assistants, or servants ; to fix the remuneration payable to each ; and to allot the duties to be performed by every employé.

4. No Trustee shall receive any salary or other emolument for services while in office—nor

shall he have any interest, direct or indirect, in any work or material for the Cemetery Company.

XIV. No salaried officer or paid agent shall receive any payment or fee for services performed other than that fixed by the Trustees.

1. Nor shall any officer or servant have any pecuniary interest, direct or indirect, in work or material designed or done in or for the Cemetery, whether for the Cemetery Company or others.

2. Nor shall any officer or servant of the Company engage in the buying or selling of lots except under the directions of the Trustees.

XV. Any person claiming to be heir-at-law or legal representative of a deceased proprietor, shall furnish satisfactory evidence of his claim, and an entry thereof shall be made in the proper Register.

XVI. DUTIES OF THE SUPERINTENDENT.

1. He shall reside in or near the Cemetery.

2. He shall at all times, and in all respects, be subject to the direction of the Board of Trustees.

3. He shall have the general care and custody of the Cemetery, the control and direction of all subordinate officers and workmen employed therein, and the enforcement of all laws, rules, or regulations affecting the rights of proprietors, or the conduct of visitors.

4. He shall negotiate the sale of lots.
5. He shall pay all monies and fees received at the Cemetery to the Secretary-Treasurer.
6. He shall keep such books of record, make such reports, and perform such other duties appropriate to his office, as the Trustees may from time to time require.
7. He shall engage, employ, and discharge subordinate officers at the Cemetery under the direction of the Trustees, but may engage and discharge laborers at his discretion, unless otherwise instructed by the Trustees. He shall see that all such persons perform faithfully the services due from them to the Corporation; that the contracts and orders of the Trustees or of committees thereof are strictly complied with
8. He shall also see that all persons, whether employed in the Cemetery or visiting it, violating the laws of the Province, the By-Laws, the Rules and Regulations, or the properties of the place, are promptly dealt with by removal from the Cemetery, and by prosecution if so directed or authorized by the Trustees.
9. He shall keep in suitable books, provided for the purpose, all orders for work to be done, or materials to be furnished, for proprietors; which orders shall be explicit in their terms, and signed by the persons giving them, the particulars of whatever is afterwards done or furnished in pursuance thereof shall be fully stated, and made

a part of the entry, together with the prices agreed upon or to be charged, so that the Treasurer can make bills therefrom.

10. He shall make immediate reports of all interments, with full particulars thereof; and return all orders and papers, of whatever nature, connected therewith or with disinterments or removals, to the Secretary-Treasurer for permanent disposition in his office.

11. He shall make ample provision for prompt and sufficient attendance upon funeral processions arriving at the Cemetery.

12. He shall make a Monthly Report to the Trustees of all sales of Lots and Graves, giving the location, quantity of land, and price.

13. He shall give bonds if required by the Committee of Finance.

14. He shall report to the Trustees all Lots that are neglected.

15. He shall not permit firing of volleys at military funerals, unless under special permission from the President.

16. He shall not permit, on any pretext whatever, any interment in lot or grave that is not paid for. In case of an infraction of this rule, he will be charged with the price of the lot or grave.

17. He shall not permit any interment or removal by any person not in the employ of the

Company, nor shall he permit any removal without the written consent of the owner of the lot.

18. He shall not admit any persons with refreshments; nor with flowers, unless for the decorations of graves.

19. The Superintendent shall exercise his authority in permitting admissions to the grounds, and shall expel all persons of doubtful character, or those who act improperly.

20. He shall strictly enforce the rule that horses are not allowed to go faster than a walk.

XVII. In the absence of the President the Vice-President shall be competent to perform his duties, and in the absence of both, a Trustee elected by the Board of Trustees shall act in their place.

Common Seal of
the Company.

XVIII. The Corporation Seal shall have thereon,

and the words "MOUNT ROYAL CEMETERY COMPANY INCORPORATED 1847," inserted around the margin thereof.

XIX. Order of Business at meetings of Trustees:

1. Reading of Minutes.
2. Unfinished Business.
3. Reports from Superintendent.

4. Reports and Correspondence from Secretary-Treasurer.
5. Reports from Committees.
6. Approval of Accounts.
7. Motions, Orders, Resolutions, and Notice of Motions.

XX. ON THE CARE OF LOTS AND MONUMENTS.

The Trustees will assume the charge of Lots, and of the preservation and repair of Enclosures, Tombs and Monuments in perpetuity, on the terms and conditions following :—

For the Charge of Lots only.

For every 100 feet superficial up to 400 feet, a payment in Cash of.....\$10.00

For every 100 feet superficial above 400 feet, a like payment of.....\$ 5.00

If it be required to include the providing, planting, pruning and replacing from time to time, of Perennial Flowering Shrubs, 50 per cent extra on the above charges.

For the Preservation and Repair of Monuments, Tombs and Enclosures. If the Structure be

Of Granite, a cash payment on the cost of...10 per cent.

“ Marble,	}	do	do	do	do	...15 per cent.
“ Limestone,		do	do	do	do	...15 per cent.
“ Sandstone,		do	do	do	do	...15 per cent.

Or such special price as may be agreed upon by the Trustees.

And for Enclosures on the same principle :

the age and condition of the Structure at the time of

assuming the charge, being considered, and subject in all cases to the approval of the Trustees.

Donations and Testamentary bequests, both for general and special purposes of the like character, will also be received, and faithfully devoted to the purpose contemplated.

XXI. CONDITIONS, LIMITATIONS AND PRIVILEGES.

To which every Lot is subject by the Deed of the Corporation, to wit :

First.—No lot shall be used for any other purpose than as a place or burial for the dead, and no trees within the lot shall be cut down or destroyed, without the consent of the Superintendent. No improvement will be permitted on any lot, nor any interment allowed therein until the same be paid for.

Second.—The proprietor of each lot shall have the right to erect stones, monuments, or sepulchral structures, and to cultivate trees, shrubs, and plants in the same.

Third.—The proprietor of each lot shall erect at his own or her own expense, suitable land marks of stone or iron at the corners thereof, and shall also cause the number thereof to be legibly and permanently marked on the premises; and if the proprietor shall omit for ninety days after notice, to erect such land marks, and mark the number, the Trustees shall have authority to cause the same to be done at the expense of the said proprietor.

Fourth.—If any trees or shrubs shall by means of their roots, branches, or otherwise, become detrimental to the adjacent lots or avenues, or dangerous or incon-

venient to passengers, it shall be the duty of the said Trustees for the time being, and they shall have the right to enter into any lot, and remove the said trees and shrubs, or such parts thereof as are thus detrimental, dangerous or inconvenient.

Fifth.—If any monument or effigy, railing or enclosure, or any structure whatever,, or any inscription be placed in or upon any lot, which shall be determined by the Trustees, for the time being, to be offensive or improper, the said Trustees shall have the right, and it shall be their duty to enter upon the lot, and remove the said offensive or improper object or objects.

Sixth.—Fences or tablets composed in whole or in part of wood are prohibited.

NOTE.—The Trustees request that all railings or enclosures of lots may be light, neat and symmetrical, and not to exceed, if of stone or metal, 15 inches in height, and if a hedge not more than 30 inches in height.

The Superintendent will in all cases designate the places where materials to be used in erecting monuments or excavating for vaults are to be placed during the course of erection or excavation.

Seventh.—The walls of vaults shall be confined within the limits of the premises, and they shall be at least 16 inches, if of brick, and 24 inches, if of stone, in thickness ; the inside crown of the arch shall be at least 4 feet below the surface of the ground, and not less than one foot in thickness, if of brick, and 18 inches, if of stone ; and the entrance to the same shall be covered with a stone or an iron plate, and these covered with earth, so that the stone (or iron plate) and earth shall

be at least 3 feet in depth, and on a level with the surrounding ground. And where the vault is excavated vertically in the side of a hill, there shall be double iron doors with at least a space of 18 inches between the outer and inner doors.

Eighth.—The Trustees have no wish to interfere with individual taste in the construction of monuments, &c. ; but to protect the interest of each separate proprietor, they reserve to themselves explicitly, the right to prevent the erection of large improvements which might interfere with the general effect, or obstruct any principle view.

Ninth.—Proprietors who may wish either to enclose their lots, construct vaults, or to have their boundaries more fully defined, must first apply to the Superintendent on the premises, who must be present, whose directions they will conform to on these occasions, as well as in the erection of other improvements, attending at funerals, &c. ; and it is to him the Trustees look for the enforcement of these rules, and for the maintenance of decorum in the Cemetery on all occasions.

Tenth.—No body shall be interred at a depth less than three feet below the surface of the ground.

XXII. All By-Laws inconsistent and contradictory to the foregoing are hereby repealed and annulled.

